

Application No.: 09/667,666
Amendment Dated: October 12, 2004
Reply to Office Action of: July 26, 2004

MAT-8032US

Remarks/Arguments:

By this Amendment, Applicants have amended claims 1, 4-7, 17-19, 22-24, 30 and 31. Applicants have also cancelled claims 9-16, 20, 21, 25, 32, and 33. Claims 1-8, 17-19, 22-24, and 26-31 are pending.

Allowed Claims

Applicants acknowledge with appreciation the Examiner's finding that claims 26-29 are allowable over the prior art of record.

Claim Rejections Under Section 102

Claims 1-5, 9, 10, 14-19, 22, 23, 31-33 stand rejected under 35 U.S.C. §102(e) as being anticipated by Onozawa. By this Amendment, Applicants respectfully traverse the Section 102(e) rejection.

Claims 1 and 31 are independent claims. Turning first to independent claim 1, it is directed to an audio transmitting apparatus including the following elements:

- data reproducer for outputting digital audio data and control information for the digital audio data;
- identifier adder for identifying a coding type of the digital audio data, and for adding identification information showing the identified coding type on the digital audio data, and for sending out the identification information added on the digital audio data; and
- controller for controlling an output of the digital audio data issued from the data reproducer;

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- wherein when the identification information changes from identification information A showing a first coding type to identification information B showing a second coding type,
 - (a) the controller stops the output of the digital audio data issued from the data reproduced for a specified time,
 - (b) **the identifier adder**
 - (i) generates silent identification information C indicating substantially zero data during the specified time, and**
 - (ii) performs at least one of adding the identification information A on the silent identification information C in a first half of the specified time and adding the identification information B on the silent identification information C in a second half of the specified time,**

and outputs the silent identification information C.

Claim 1 has been amended based on the description found in the originally filed application at page 15, line 16 to page 16, line 7, and include features of cancelled claims 14-16 which are based on Embodiment 3. No new matter is added by Applicants' amendment to claim 1.

It is Applicants' contention that claim 1 is patentably distinguished from the Onozawa Patent at least based on the requirement that the identifier adder (i) generates silent identification information C indicating substantially zero data during the specified time, and (ii) performs at least one of adding the identification information A on the silent identification information C in a first half of the specified time and adding the identification information B on the silent identification information C in the second half of the specified time (hereinafter generally referred

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to as the "Identifier Adder Feature" of Applicants' claimed invention). Simply put, the Identifier Adder Feature is simply not taught or suggested in the Onozawa Patent.

In the audio transmitter apparatus of Applicants' claim 1 when the coding type of digital audio data changes from type A to type B, the transmission of the audio data is stopped for a specific time (e.g. T_c) and the silent identification information is transmitted instead of the digital audio data. This procedure prevents generation of noises at the receiver's side. In addition, the audio transmitter apparatus of the present invention with respect to the identifier adder also does the following:

(i) in the beginning period T_1 of specified time T_c , identification information A showing the type A is added on the silent identification information and/or

(ii) in the ending period T_2 of the specified time T_c , identification information B showing the type B is added on the silent identification information.

Thus by transmitting the silent identification information on which identification information A and/or identification B is added, the digital audio data in accordance with type A can be reproduced without losing the end portion of the previous stream at the receiver side, and also the digital audio data in accordance with format B can be reproduced without losing the beginning portion of the previous stream.

Based on Applicants' claimed invention, a plurality of musical compositions which have coding types different from each other, can be advantageously transmitted and received. This is an advantage not found in the prior art.

It is Applicants' position that the above-identified features of adding to the silent identification information C the identification information A and the

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identification information B is simply not taught or suggested in the Onozawa Patent.

The Onozawa Patent in general relates to a mobile communication apparatus having a codec which codes first voice data into second voice data and decodes the second voice data into the first voice data. A memory is provided in which the second voice data should be recorded and a silent data generating unit is also provided which generates silent data. The second voice data is successively recorded into memory. While the second data is being recorded, the silent data is recorded in the memory as a substitute for the second voice data which is in a first state. The first state is a state in which the second voice data may be noise data.

The Office Action rejects claim 1 primarily based on the digital-type portable telephone to which a voice recording method is applied as shown in Figure 5 of the Onozawa Patent. Applicants note that in Onozawa "silent data" is generated so as to prevent generation of noises, in a case that codecs are changed. But nowhere in the Onozawa Patent is there any teaching or suggestion of the identification adder feature of Applicants' claimed invention. That is to say, there is simply no teaching or suggestion in the Onozawa Patent of an audio transmitter apparatus wherein (i) in the beginning period T1 of specific time Tc, identification information A showing the type A is added on the silent identification information and/or (ii) in the ending period T2 of specific time Tc, identification information B showing the type B is added on the silent identification information. Lacking any teaching or suggestion of the Identifier Adder Feature, the Onozawa Patent can neither anticipate nor render obvious Applicants' claim 1 as well as the claims dependent thereon.

Independent claim 31 is also directed to an audio transmitting apparatus and has been amended so that it too includes the Identifier Adder Feature of Applicants' claimed invention. Thus claim 31 is likewise patentably distinguished from the Onozawa Patent.

Based on the foregoing discussion, Applicants request that the Section 102(e) rejection based on the Onozawa Patent be withdrawn.

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Applicants note that claims 4-5 have been amended so that they are consistent with claim 1. Claims 6 and 7 have been amended based on the description found in the originally filed application at page 14, lines 20-22. Claims 17-19 have been amended to depend from claim 1. Claims 20 and 21 have been cancelled because amended claims 6 and 7 now include the features of claims 20 and 21, respectively. Claims 22-24 have been amended based on Figures 10 and 11 of the originally filed application, and claim 30 has been amended to change wording according to the amendment of claim 1 and also so that it is now dependent on claim 1. And claim 31 has been amended based on the description found in the originally filed application at page 15, line 16 to page 16, line 7 and to include the features of cancelled claims 32 and 33.

Claim Rejections Under Section 103

Claims 24 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Onozawa in view of Yung. By this Amendment, Applicants respectfully traverse this Section 103(a) rejection.

Claim 25 has been cancelled. Claim 24 is amended and is indirectly dependent on claim 1. Therefore, claim 24 includes the Identification Adder Feature and is thereby patentably distinguished from the Onozawa Patent. It is Applicants' position that the Yung Patent does not rectify the deficiencies heretofore discussed with respect to the Onozawa Patent.

The Yung Patent in general relates to a method and apparatus for reducing audible "clicks" or "pops" which occur when an ADPCM encoding and decoding system is employed in a communication system in which communication occurs over a dispersive channel. According to the Yung Patent, a technique is employed in which ADPCM-encoded silence is substituted for error-containing frames, and post processing is performed on decoded frames while a muting window is open. More specifically, the Yung Patent has been cited with respect to a random assignment of data. But nowhere in the Yung Patent is there any teaching or suggestion of the Identifier Adder Feature of Applicants' claimed invention. Thus it

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is Applicants' contention that the Onozawa and Yung Patents, either in combination or separately, do not teach or suggest Applicants' invention as set forth in dependent claim 24. Applicants therefore request that the rejection of claim 24 be withdrawn.

Claims 6-8, 11-13, 20, 21, and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Onozawa in view of Ogasawara. Based on this Amendment, Applicants respectfully traverse this Section 103(a) rejection.

Claims 11-13, 20 and 21 have been cancelled. Claims 6-8 and 30 are either directly or indirectly dependent on claim 1 and therefore include the Identifier Adder Feature of Applicants' claimed invention. Based on this Feature, claims 6-8 and 30 are patentably distinguished from the Onozawa Patent. It is Applicants' contention that the Ogasawara Patent does not rectify the deficiencies heretofore discussed with respect to the Onozawa Patent.

The Ogasawara Patent in general relates to an electronic shopping system which facilitates purchase transactions via a wireless videophone. A purchase transaction program is downloaded from the seller's server to a purchaser's wireless videophone via a program loader contained within the purchaser's wireless videophone.

The Ogasawara Patent has been cited in the Office Action primarily with respect to using a serial interface in a radiotelephone. But nowhere in the Ogasawara Patent is there any teaching or suggestion of the Identifier Adder Feature of Applicants' claimed invention. Thus the Onozawa and Ogasawara Patents, either in combination or separately, do not teach or suggest the audio transmitting apparatus defined in Applicants' claims 6-8 and 30. Applicants therefore request that this Section 103(a) rejection be withdrawn.

In view of the foregoing remarks and amendments, Applicants respectfully submit that claims 26-29 are allowed and that claims 1-8, 17-19, 22-24, 30 and 31

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are in condition for allowance. Reconsideration and allowance of all pending claims are respectfully requested.

Respectfully submitted,

Daniel N. Calder

Lawrence E. Ashery, Reg. No. 34,515
Daniel N. Calder, Reg. No. 27,424
Attorneys for Applicants

DNC/dmw/ds

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P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

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Daniel N. Calder

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